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July 23, 2003



DEPT. OF TRANSPORTATION
POSTERS

2003 JUL 24 P 10:47

Docket Management Facility

(U.S.C.G-2003-14792, 2003-14749, 2003-14757, 2003-14878)

U.S. Department of Transportation

Room PL-401

400 Seventh Street, S.W.

Washington, D.C. 20590-0001

USCG-2003-14792-18
USCG-2003-14749-47
USCG-2003-14757-29
USCG-2003-14878-8

Dear Sir or Madam,

Enclosed please find my written comments on the interim rules for security of small passenger vessels & the facilities that they use. I am the owner of the small passenger vessels: Skyline Princess "T" D271101, Skyline Queen "T" D278033, Chicago's Little Lady "T" 1079694 & Chicago's First Lady "K" D975006 in Chicago, IL. I currently hold issue #6 of my 100 GT G.L. Master's License #938616. I have over thirty years experience in the tour boat business in Chicago and have managing our companies since 1976. I am also a long time member of the Passenger Vessel Association and have served on the regulatory issues committee during the rewrite of Subchapters "T" & "K".

I submitted comments to the Maritime Security Issues for Discussion of the Federal Register of 12/30/02. I believe that the interim rules that have been enacted need to be modified to accomplish the security needed, at a cost that will not destroy the small passenger industry.

I am very pleased that you will allow companies such as ours to use Alternative Security Programs as stated in section 101.120(b) of Title 33, Code of Federal Regulations. It is my understanding that P.V.A. will be submitting an Alternative Security Program to you in the next few days. I urge that you approve the program that P.V.A. submits. We anxiously await our ability to review the approved P.V.A. program to determine if it best meets our obligations regarding security.

I was also pleased that "T" boats were not included in the majority of new security regulations including the requirement to submit a Security Plan for approval. However, I feel that there may be regulatory bracket creep that will include "T" boats in the future. Concerns voiced by regulators of "T" boats using facilities that accept "K" boats and future A.I.S. requirements are examples of future regulatory bracket creep. Your own analysis demonstrated that the risk of a possible transportation security incident for a small passenger vessel does not justify applying the same regulatory measures that apply to larger passenger vessels.

Michigan Avenue's Most Moving Landmark





In table 1 on page 39246 "K" boats are not shown in the demonstration of N-RAT relative risk ranking. The estimated average occupancy of 423 passengers on each "K" boat is a gross overestimate. Our "K" boat Chicago's First Lady with is certified for 225 passengers operates over 80% of the time as a de facto "T" boat with less than 150 passengers. It is not reasonable for a vessel such as this to have to comply with the same requirements as a vessel that is certified to carry 587 passengers. Perhaps, a "K" boat & "K" boat facility should only have to comply with the security requirements when the "K" boat has more than 149 passengers aboard.

I strongly disagree with you inclusion of A.I.S. in your security requirements in areas that currently have V.T.S. Even more disturbing is the goal to eventually to require all passenger vessels in the entire country that are certified to carry over 49 passengers for hire to have A.I.S. As I stated in my comments to the Federal Register of 12/30/02 the A.I.S. system would benefit security in only a very few instances. Foreign & Governmental vessels should be required to have A.I.S. This would allow Government to monitor foreign vessels while they are in U.S. waters. However requiring all passenger vessels that are certified to carry over 49 passengers to have A.I.S. is unreasonable. At an estimated cost of \$ 10,000.00 (**this would cost our company \$ 40,000.00**) this requirement would be a burden that most companies would be unable to bear. The vast majority of areas such as inland ports like Chicago do not need A.I.S. Besides, as I stated in my earlier comments I believe that A.I.S. is not a safety panacea. A.I.S. **DOES NOT** tell anyone using it if the vessel being monitored is under normal command & control or is laden with explosives and being piloted by a terrorist intent on creating a transportation security incident. Even your own analysis admits "**the cost of AIS installation for the domestic fleet far outweighs the benefit**".

Page 39264 details that the requirements for T.W.I.C. cards have been delayed until a later date. As I commented earlier the idea of having to swipe a T.W.I.C. card to gain access to a secure area such as the pilothouse, engine room or storage locker is unworkable. Most "K" vessels such as ours are not like a cruise ship nor do they operate from a cruise ship like terminal. Most companies would not have the resources to comply with the requirements for the card swiping system. The interim rule requires us to institute a photo I.D. card system for our crewmembers. We estimate the cost of this system to be over \$ 2,000.00. We base this on the fact that our friends at Wendella Boats in Chicago purchased such a system last year for that price. The idea of having to purchase such a system at that cost seems even more unreasonable considering the fact that it will be obsolete when the T.W.I.C card requirement is enacted.

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C H I C A G O ' S
FIRST LADY
— ∞ —
MERCURY YACHT CHARTERS

Our dock facility is a park like setting on the Chicago River that is owned by the City of Chicago. It is hard to believe that the City of Chicago will allow the types of changes to this park like setting that the U.S.C.G. will require in the security plans for facilities that accept "K" boats.

In closing, I believe that there needs to be a reexamination of the security requirements. They should be applied to the vessels and facilities that are truly susceptible to a transportation security incident, large passenger vessels and the terminals they use, not the small passenger "T" & "K" vessels that will not be able to absorb the costs of the new security regulations. If you have any questions regarding my comments please feel free to contact me at 312-907-5890.

Respectfully

A handwritten signature in black ink, appearing to read "Robert L. Agra", with a long horizontal flourish extending to the right.

Capt. Robert L. Agra
Vice President